

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT KNOXVILLE

**STATE OF TENNESSEE v. BONNIE K. GODFREY**

**Appeal from the Circuit Court for Blount County  
No. C-15205-09 Michael H. Meares, Judge**

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**No. E2008-00091-CCA-R3-CD - Filed November 14, 2008**

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The defendant, Bonnie K. Godfrey, has appealed the Blount County Circuit Court's order revoking her probation and confining her to serve her effective four-year sentence for forgery and theft. The State of Tennessee has moved pursuant to Tennessee Court of Criminal Appeals Rule 20 for an order summarily affirming the circuit court's order. The motion is well taken, and we affirm the order of the circuit court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed  
Pursuant to Rule 20 of the Rules of the Court of Criminal Appeals**

JAMES CURWOOD WITT, JR., J., delivered the opinion of the court, in which JOSEPH M. TIPTON, P.J., and NORMA MCGEE OGLE, J., joined.

Robert E. Cooper, Attorney General & Reporter; and Robert Headrick, Assistant Attorney General, for the appellee, State of Tennessee.

Damon Wooten, Maryville, Tennessee, for the appellant, Bonnie K. Godfrey.

**MEMORANDUM OPINION**

A trial court may revoke a sentence of probation upon a finding by a preponderance of the evidence that the defendant has violated the conditions of her release. T.C.A. § 40-35-311(e) (2006); *Stamps v. State*, 614 S.W.2d 71, 73 (Tenn. Crim. App. 1980). A revocation will be upheld absent a showing that the trial court abused its discretion. *State v. Harkins*, 811 S.W.2d 79, 82 (Tenn. 1991). *Id.* (citing *State v. Grear*, 568 S.W.2d 285, 286 (Tenn. 1978); *State v. Delp*, 614 S.W.2d 395, 398 (Tenn. Crim. App. 1980)). Relief will be granted only when “the trial court’s logic and reasoning was improper when viewed in light of the factual circumstances and relevant legal principles involved.” *State v. Shaffer*, 45 S.W.3d 553, 555 (Tenn. 2001) (quoting *State v. Moore*, 6 S.W.3d 235, 242 (Tenn. 1999)). Upon finding a violation, the trial court may “revoke the probation and suspension of sentence and cause the defendant to commence the execution of the judgment as originally entered.” T.C.A. § 40-35-311(e). Furthermore, when probation is revoked, “the original judgment so rendered by the trial judge shall be in full force and effect from the date of the revocation of such suspension.” *Id.* § 40-35-310. The trial judge has the discretionary

authority to order the defendant to serve the original sentence. *See State v. Duke*, 902 S.W.2d 424, 427 (Tenn. Crim. App. 1995).

In the present case, the record showed and the defendant conceded that she violated the terms of her probation by failing to report to her probation officer on multiple occasions. In view of the record, and deferring to the trial court's discretion to revoke probation and place the original sentence into effect, we discern no basis for overturning or even modifying the trial court's order. Accordingly, we affirm the trial court's order pursuant to Tennessee Court of Criminal Appeals Rule 20.

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JAMES CURWOOD WITT, JR., JUDGE